

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CHRISTOPHER LEE CALLAHAM,)
Petitioner,) Case No. 7:16CV00515
v.)) **OPINION**
HAROLD CLARKE, DIR.,)) By: James P. Jones
Respondent.)) United States District Judge

Christopher Lee Callaham, Pro Se Petitioner.

Petitioner Christopher Lee Callaham, a Virginia inmate proceeding pro se, has filed a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254, alleging that the Commonwealth presented insufficient evidence to support his 2006 convictions. After review of the petition and the record, I find that the petition must be summarily dismissed as successive.

Callaham challenges his Pittsylvania County Circuit Court convictions for two counts of robbery, two counts of use of a firearm in the commission of a felony, and burglary of a dwelling at night with intent to commit larceny with a deadly weapon. For these crimes, the court imposed an active term of seventeen years in prison. Callaham's unsuccessful state court appeals concluded on October 15, 2007. In 2014, he filed a Petition for a Writ of Habeas Corpus in this court,

challenging these convictions. I summarily dismissed the petition as untimely filed under 28 U.S.C. § 2244(d)(1). *See Callaham v. Warden*, No. 7:14CV00259 (W.D. Va. July 7, 2014).

Pursuant to 28 U.S.C. § 2244(b), a federal district court may consider a second or successive § 2254 petition, like Callaham's current submission, only if the petitioner secures specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria set forth in § 2244(b)(3). Because Callaham does not demonstrate that he has obtained such certification, I must dismiss the petition without prejudice as successive.

A separate Final Order will be entered herewith.

DATED: November 9, 2016

/s/ James P. Jones
United States District Judge